

Order

Michigan Supreme Court
Lansing, Michigan

June 3, 2010

Marilyn Kelly,
Chief Justice

140558

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 140558
COA: 286417
Saginaw CC: 05-026949-FC

MATTHEW THOMAS DESHONE,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the December 15, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals. We do not disturb the Court of Appeals rulings that the trial court did not commit reversible error in admitting recordings and transcripts of telephone calls between the defendant and his mother, that the trial court properly admitted the detective's testimony, that the trial court properly instructed the jury on the use of recordings admitted into evidence, and that the introduction of a tape recorded conversation between the detective and one of his sisters was harmless error. However, we conclude that the Court of Appeals erred in finding that admission of the tape recorded conversation between the detective and the defendant's other sister was not harmless error. In light of the defendant's admissions of guilt to his family members, it is not probable that the detective's comments and observations affected the outcome of the trial. *People v Lukity*, 460 Mich 484 (1999). We REINSTATE the defendant's convictions and sentences.

KELLY, C.J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 3, 2010

Corbin R. Davis

Clerk